

**Introduced by Senator Kehoe**

February 22, 2012

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An act to amend Section 2831 of the Fish and Game Code, and to amend Section 1 of Chapter 644 of the Statutes of 2007, relating to wildlife resources.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1169, as introduced, Kehoe. Natural community conservation planning.

The Natural Community Conservation Planning Act authorizes the Department of Fish and Game to enter into agreements with any person or public entity for the purpose of preparing a natural community conservation plan, to provide comprehensive management and conservation of multiple wildlife species. The act requires a plan to identify and provide for those measures necessary to conserve and manage natural biological diversity within the plan area while allowing compatible and appropriate economic development, growth, and other human uses. The act requires each natural community conservation plan to include an implementation agreement governing specified matters.

Existing law exempts from specified provisions of the act any natural community conservation plan or subarea plan initiated on or before January 1, 2000, or amendment thereto, by Sweetwater Authority, Helix Water District, Padre Dam Municipal Water District, Santa Fe Irrigation District, or the San Diego County Water Authority, which the department determines is consistent with the approved San Diego Multiple Habitat Conservation Program or the San Diego Multiple Species Conservation Program, if the department finds that the plan has been developed and is otherwise in conformance with the act.

Existing law deems certain lands designated as open-space lands as of January 1, 2008, to be dedicated land under the City Charter of San Diego.

This bill would deem those lands designated as open-space lands as of January 1, 2013, to be dedicated land under the city charter.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1 of Chapter 644 of the Statutes of 2007  
2 is amended to read:

3 SECTION 1. The Legislature finds and declares all of the  
4 following:

5 (a) The basis for the lands currently designated as open space  
6 by the City of San Diego is a Multiple Species Conservation  
7 Program (MSCP) for the City of San Diego.

8 (b) In 1997, the City of San Diego signed a 50-year agreement  
9 with the Department of Fish and Game and the United States Fish  
10 and Wildlife Service to conserve approximately 55,000 acres of  
11 open space within the City of San Diego under the MSCP. Included  
12 in the MSCP are designated and dedicated open-space parcels.  
13 The City of San Diego has identified in excess of 15,000 acres of  
14 city-owned parcels that were intended to be dedicated open space  
15 under the city charter, but have not been converted from designated  
16 to dedicated open space. Dedicated open space cannot be sold or  
17 exchanged without a two-thirds vote of the people. ~~The~~ In 2007,  
18 the Mayor of the City of San Diego and, by a unanimous vote, the  
19 city council, ~~have~~ passed a resolution to support this effort to  
20 convert those parcels from designated to dedicated open space.  
21 Approximately 6,600 acres were converted to dedicated open space  
22 with the filing of documents with the County of San Diego  
23 Recorder/Clerk prior to January 1, 2008. Approximately 10,000  
24 acres remain on a list established by the City of San Diego in 2006  
25 of places eligible to be converted to dedicated open space-lands.  
26 The San Diego City Council voted on January 23, 2012, to support  
27 the effort to convert additional city-owned open-space parcels  
28 from designated to dedicated open space.

29 (c) Therefore, in keeping with the desire of the City of San  
30 Diego to ensure that the lands currently designated as open space

1 cannot be sold or exchanged without a vote of the people, and  
2 consistent with the Natural Community Conservation Planning  
3 Act (Chapter 10 (commencing with Section 2800) of Division 3  
4 of the Fish and Game Code), these lands should become dedicated  
5 land under state law and the City Charter of the City of San Diego.

6 SEC. 2. Section 2831 of the Fish and Game Code is amended  
7 to read:

8 2831. (a) Notwithstanding any other provision of law, lands  
9 designated as of January 1, ~~2008~~ 2013, as open-space lands in a  
10 document entitled "Declaration of the Dedication of Land"  
11 approved by a resolution of the San Diego City Council in the  
12 same manner in which the city council processes approval of  
13 dedicated open space, reserving to the city council the authority  
14 to grant easements for utility purposes in, under, and across  
15 dedicated property, if those easements and facilities to be located  
16 thereon do not significantly interfere with the park and recreational  
17 use of the property, and filed with the Office of the City Clerk for  
18 the City of San Diego, and, if required, at the Office of the County  
19 of San Diego Recorder/Clerk, are dedicated land under the City  
20 Charter of the City of San Diego.

21 (b) Upon filing of that document in accordance with subdivision  
22 (a), the Office of the City Clerk for the City of San Diego, and, if  
23 applicable, the County of San Diego Recorder/Clerk, shall make  
24 the document available for inspection by the public upon request.